

United States District Court
DISTRICT OF ARIZONA

AGENT

In the Matter of the Search of

Information Associated with WhatsApp account 623-313-6382
that is Stored at Premises Controlled by WhatsApp

CASE NUMBER: **15-7328MB**

Application for a Search Warrant

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Northern District of California:

See Attachment A, incorporated by reference

The person or property to be searched, described above, is believed to conceal:

See Attachment B, incorporated by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 241, and the application is based on these facts:

See Attachment C, incorporated by reference

- ☐ Delayed notice of 30 days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Authorized by AUSA Joseph Koehler



Applicant's signature

Stewart L. Whitson, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: May 14, 2015

8:30 a.m.



Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade, United States Magistrate Judge

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the WhatsApp account number 623-313-6382 that is stored at premises owned, maintained, controlled, or operated by WhatsApp, a company headquartered in San Francisco, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by WhatsApp

To the extent that the information described in Attachment A is within the possession, custody, or control of WhatsApp, including any messages, records, files, logs, or information that have been deleted but are still available to WhatsApp, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), WhatsApp is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information,

including all information about the particular device or devices used to access the account and the date and time of those accesses;

- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account;
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content;
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account, including geotags;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on WhatsApp and all people who are following the user (i.e., the user’s “following” list and “followers” list), as well as any friends of the user;
- m. A list of all users that the account has “unfollowed” or blocked;
- n. All privacy and account settings;
- o. All records of WhatsApp searches performed by the account, including all past searches saved by the account;
- p. All information about connections between the account and third-party websites and applications; and,

q. All records pertaining to communications between WhatsApp and any person regarding the user or the user's WhatsApp account, including contacts with support services, and all records of actions taken, including suspensions of the account.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. 241 involving Elton Francis Simpson and Nadir Hamid Soofi, since inception of the account, including, for each username identified on Attachment A, information pertaining to the following matters:

(a) Information pertaining to the conspiracy against rights described in the affidavit, including references to:

1. Evidence of Simpson and Soofi conspiring to plan an attack against the "Prophet Muhamed Cartoon Contest", specifically, emails, postings, messages, documents or files containing information related to attack planning, firearms or related training for the use of firearms and improvised explosive devices, or regarding the promulgation of terrorist activity;

2. Evidence of Simpson and Soofi conspiring to plan an attack against any public event, specifically, emails, postings, messages, documents or files containing attack planning, firearms or related training for the use of firearms and improvised explosive devices, or regarding the promulgation of terrorist activity;

3. Communications constituting or evidencing crimes, specifically, emails, postings, messages, documents or files reflecting correspondence with a designated terrorist organization, terrorist representatives and potential terrorist recruits;
 4. Evidence that can help establish the identities of any coconspirators, terrorist representatives or potential terrorist recruits;
 5. Information related to the geographic location of coconspirators, designated terrorist representatives or potential terrorist recruits;
 6. Documents or other items containing passwords or other information needed to access Simpson or Soofi's online accounts.
 7. Documents or other items containing information related to other digital facilities, Internet profiles, messaging application profiles, or e-mail addresses that Simpson and Soofi may have used to provide support for designated terrorist organizations.
- (b) Evidence indicating how and when the WhatsApp account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the WhatsApp account owner;
- (c) Evidence indicating the WhatsApp account owner's state of mind as it relates to the crime under investigation;

(d) The identity of the person(s) who created or used the user ID, and records that help reveal the whereabouts of such person(s).

CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS

PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by WhatsApp, and my official title is _____. I am a custodian of records for WhatsApp. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of WhatsApp, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;

b. such records were kept in the ordinary course of a regularly conducted business activity of WhatsApp; and

c. such records were made by WhatsApp as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature

ATTACHMENT C

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Stewart L. Whitson, a Special Agent with the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant to search online messaging accounts utilized by Elton F. Simpson. Your affiant submits that there is probable cause to believe that evidence of Title 18 U.S.C. § 241, Conspiracy against rights, will be found within the listed items described in this affidavit. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require the Social Media and Online Messaging Application Providers to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.
2. I am a Special Agent with the FBI and am currently assigned to the FBI's Phoenix, Arizona Division. I have been employed by the FBI as a Special Agent since September 25, 2011. As part of my responsibilities, I am charged with investigating violations of statutes applying to crimes related to national security. During this period of time, I have worked a multitude of national security-related investigative assignments. I have also attended numerous seminars and other training courses during my career, and have obtained a Juris Doctorate Degree as well as a Bachelor's degree in Political Science with a Minor in History from the University of Minnesota. Prior to my employment with the FBI, I served as an Infantry Officer with the United States Army. I am currently assigned to the Phoenix division of the FBI-JTTF (Joint

1 Terrorism Task Force) and have been assigned to the JTTF for the past 3 years. As
2 part of my duties with the JTTF, I am generally authorized to investigate violations of
3 the laws of the United States and to execute search and seizure warrants issued under
4 the authority of the United States.

5 3. I know that it is a violation of Title 18, United States Code, Section 241 for two or
6 more persons to conspire to injure, oppress, threaten, or intimidate any person in any
7 State, Territory, Commonwealth, Possession, or District in the free exercise of
8 enjoyment of any right or privilege secured to him by the Constitution or laws of the
9 United States, or because of his having exercised the same. *Title 18, U.S.C. 241.*

10 4. I am familiar with the facts concerning a shooting of a security guard and two subjects
11 identified as Elton Francis Simpson and Nadir Hamid Soofi in Garland, Texas. On
12 May 3, 2015 at approximately 6:51 pm central time a vehicle bearing Arizona license
13 tag AGV6488, registered owner is identified as Nadir Hamid Soofi, approached an
14 event entitled "the Prophet Muhamed Cartoon Contest", and encountered a security
15 guard. An exchange of gunfire ensued, the security guard was hit in the ankle, and
16 the two subjects were killed by law enforcement outside of their vehicle at the scene.
17 Analysis of the fingerprints of the deceased gunmen confirmed them to be Elton
18 Francis Simpson and Nadir Hamid Soofi. At the time of the shooting, both subjects
19 possessed AK-47 style assault rifles. These facts are based upon statements provided
20 to me by investigators from the FBI and other law enforcement agencies in Texas and
21 my ongoing investigation of the subjects.

22 5. Because this affidavit is being submitted for the limited purpose of securing a search
23 warrant, I have not included each and every fact known to me concerning this
24 investigation. I have set forth only the facts that I believe are necessary to establish
25 probable cause to believe that evidence of violations of 18 U.S.C. § 241 is within the
26 online messaging account described in Attachment A.

27 6. The specific online messaging accounts to be searched are:

28 a. Surespot Account: juba1911

1 Constitutionally-protected activity. According to GPD, the two armed males exited a
2 black Chevrolet Cobalt, Arizona license plate AGV6488, registered to Soofi, and fired
3 at a Garland Independent School District (GISD) security guard, who suffered an
4 ankle wound. Two GPD officers engaged the males. One of the males, after being
5 shot, reached into a backpack and pulled out what officers believed to be a hand
6 grenade. At that point, additional GPD officers engaged the two males with their
7 firearms, killing them. These facts are based upon statements provided to me by
8 investigators from the FBI and other law enforcement agencies in Texas and my
9 ongoing investigation of the subjects.

10 10. Elton Francis Simpson and Nadir Hamid Soofi both resided at 13850 North 19th
11 Avenue, Phoenix, Arizona, 85023, Apartment 219. Agents have interviewed the
12 management of the apartment complex at 13850 North 19th Avenue and determined
13 the apartment was rented in Soofi's name. Both Simpson and Soofi listed this address
14 on their Arizona State Driver Licenses. Soofi has two vehicles with Arizona
15 registrations associated with this address: a white 2000 Chevrolet van bearing Arizona
16 license plate BCK8861 and a black 2008 Chevrolet 2-door car bearing Arizona
17 license plate AGV6488 (the car at the scene in Garland, Texas).

18 11. On May 3, 2015, at approximately 6:35pm central time (Dallas time), approximately
19 16 minutes prior to the time of the attack described above, a Twitter account believed
20 to belong to Elton Simpson, using Twitter ID 3161708545, handle @atawaakul, (a
21 twitter account Simpson has used extensively since April 17, 2015), sent out the
22 following Tweet (communication): "The bro with me and myself have given bay'ah
23 to Amirul Mu'mineen. May Allah accept as us mujahideen. Make dua. #texasattack."
24 Based on my training and experience I believe the following are loose translations
25 related to the above communication: Bay'ah translates as an oath of allegiance.
26 Amirul Mu'mineen is the title held by the Khalifa, or ruler of Islam. Mujahideen are
27 holy warriors of Islam committed to waging jihad. Make dua means pray, likely in
28 this context it means pray for us (Simpson and his companion).

12. The identities of the two deceased subjects have been confirmed as Elton Francis Simpson and Nadir Hamid Soofi.

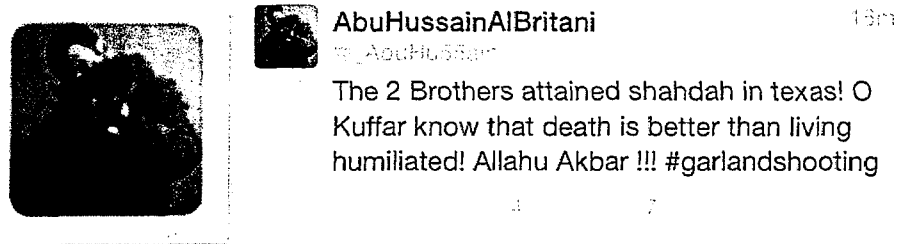
USE OF ONLINE APPLICATION TO COMMUNICATE WITH A MEMBER OF A
DESIGNATED TERRORIST ORGANIZATION

13. Further investigation reveals that prior to these events; Twitter accounts resolving to the residential address of both Simpson and Soofi publicly posted their intentions for May 3, 2015. This Twitter posting was further “re-tweeted” by Islamic State of Iraq and the Levant (ISIL) member, Junaid Hussain. At approximately 8:04 PM (CST), @AbuHu55ain also tweeted: “The 2 Brothers attained shahdah in texas! O Kuffar know that death is better than living humiliated! Allahu Akbar !!!” #garlandshooting. As of May 1, 2015, three days prior to the shooting, Simpson was a follower of Junaid Hussain on twitter via his @AbuHu55ainBrit, which was the precursor to the account, @AbuHu55ain.

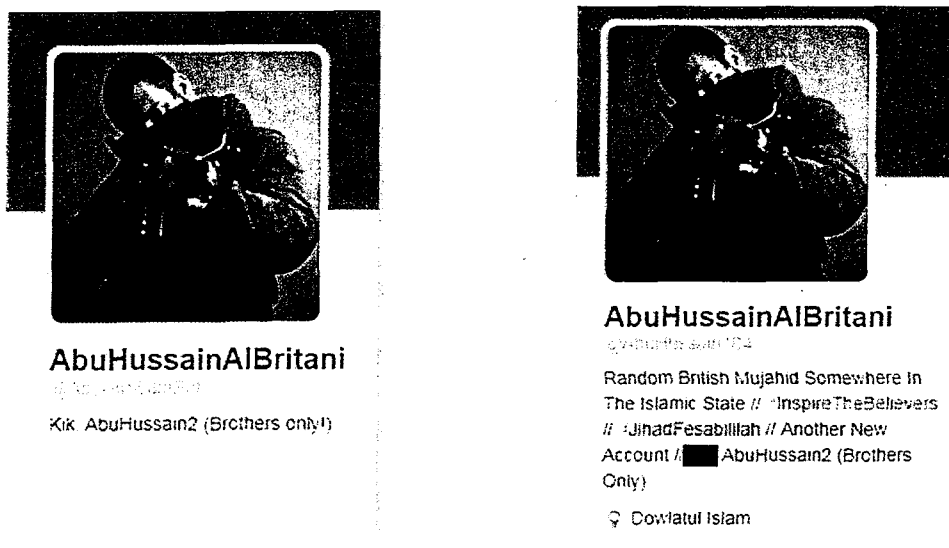
BACKGROUND ON JUNAID HUSSAIN

14. On or about April 7, 2015, the Honorable Frank Maas in the Southern District of New York signed a search warrant for the contents of eight Twitter accounts believed to be used by Junaid Hussain, a member of the Islamic State of Iraq and the Levant (ISIL), including @AbuHussain104, @AbuHu55ain_ (the “April 7 Search Warrant”).

15. @AbuHussain104 uses an avatar photo visually similar to that of @AbuHu55ain and @AbuHu55ainBrit. Additionally, @AbuHussain104, @AbuHu55ainBrit and @AbuHu55ain have several logins from IP address 185.19.80.224, an IP range allocated to Star Satellite Communications Company, PJSC (“Star Satellite”).



Screenshot of @_AbuHu55ain



Screenshot of @AbuHu55ainBrit

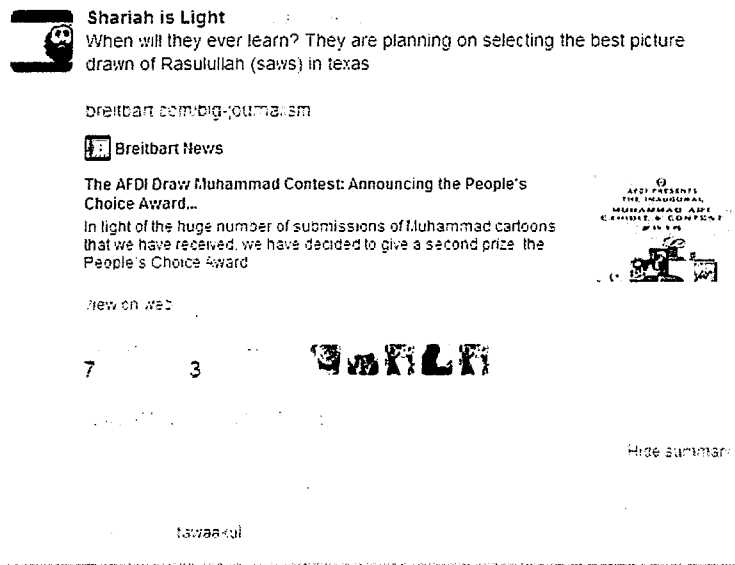
Screenshot of @AbuHu55ainBrit

16. Based on my experience, Star Satellite is a service used frequently by social media accounts associated with ISIL in Syria, to include official Twitter accounts for ISIL's official media outlet Al-I'tisam Media Foundation and the English-focused media group, Al-Hayat Media Center, as well as ISIL member, Junaid Hussain.

CLAIM OF RESPONSIBILITY FOR ATTACK IN GARNER, TEXAS BY
@TAWAAKUL (A/K/A @ATAWAAKUL) [TWITTER ID: 3161708545]

17. On April 23, 2015 at approximately 2:42 AM (CST), Twitter account @tawaaakul (a/k/a @atawaaakul) associated with Twitter ID: 3161708545, publicly posted "When will they ever learn? They are planning on selecting the best picture drawn of Rasulullah (saws) in texas."

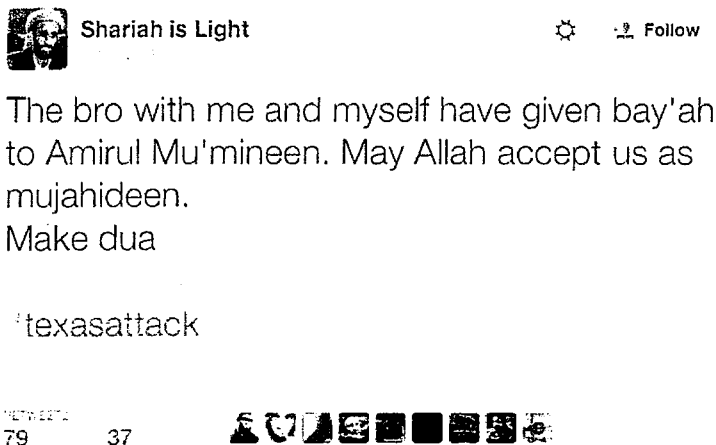
18. @tawaaakul (a/k/a @atawaaakul) included a link to an article about the "American Freedom Defense Initiative's (AFDI), Draw Muhammad Contest" to take place on May 3, 2015 at the Curtis Culwell Center, 4999 Naaman Forest Blvd, Garland, Texas.



Screenshot of April 23, 2015 post by @tawaaakul
[Time on Screenshot is Pacific Daylight Time]

19. On May 3, 2015 at 6:35PM (CST), the same account, @tawaaakul (a/k/a @atawaaakul), associated with Twitter ID: 3161708454, posted the following public post: "The bro with me and myself have given bay'ah to Amirul Mu'mineen. May Allah accept us as mujahideen. Make dua. #texasattack."

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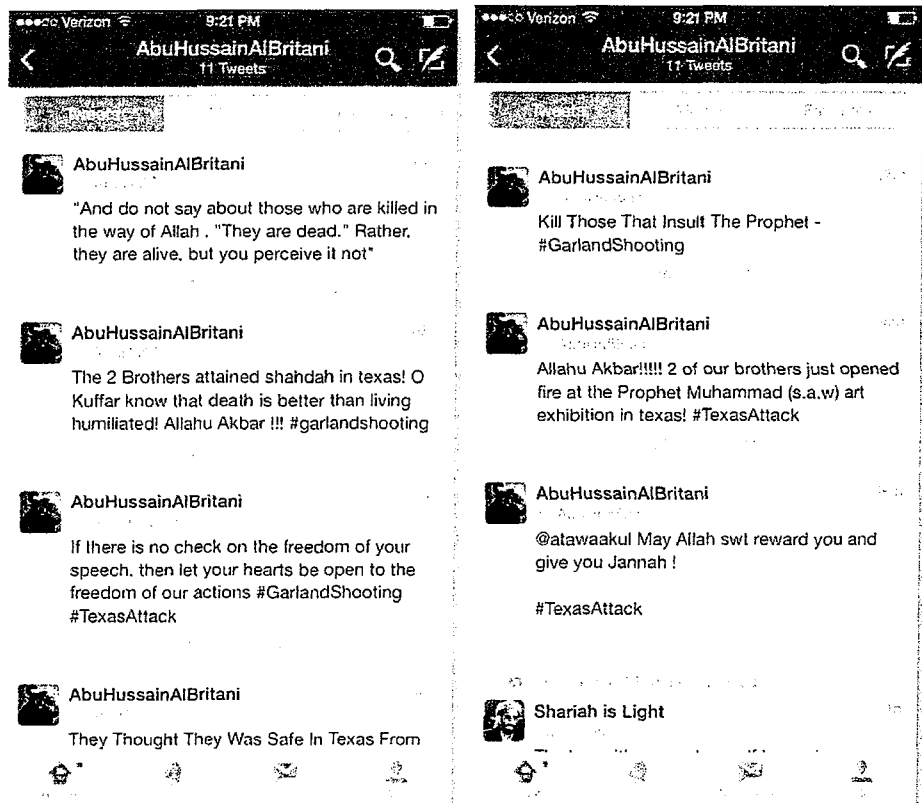


**Screenshot of May 3, 2015 post by @atawaakul
[Time on Screenshot is Pacific Daylight Time]**

20. The aforementioned Tweet was retweeted by Twitter account, @_AbuHu55ain.

21. At approximately 8:04 PM CST, @_AbuHu55ain also tweeted: "The 2 Brothers attained shahdah in texas! O Kuffar¹ know that death is better than living humiliated! Allahu Akbar !!!" #garlandshooting

¹ I know from my experience that "Kuffar" (var Kufr) is a derogatory term utilized by those who engage in violent jihad to refer to westerners, frequently referring to Americans.



Screenshot of May 3, 2015 posts by @_AbuHu55ain

22. On May 3, 2015, results of an emergency disclosure from Twitter for the account @atawaakul (a/k/a @atawaakul) revealed a May 3, 2015 login, using IP address 75.230.2.17. This IP is allocated to Verizon Wireless and according to a search on ip-tracker.org, resolves to Saltillo, Texas. Two other Verizon IP hits from 3 May 2015 appeared to resolve to areas around Dallas, Texas. See below:

account_id: 3161708545

created_at: 2015-05-03 21:25:08 GMT +0000

last_login_ip: 75.230.2.17

account_id: 3161708545

created_at: 2015-05-03 19:05:22 GMT +0000

last_login_ip: 75.241.5.135

1 account_id: 3161708545

2 created_at: 2015-05-03 16:20:48 GMT +0000

3 last_login_ip: 75.240.127.231

4
5 23. On May 3, 2015, results of an emergency disclosure request to Verizon revealed the
6 aforementioned logins from IP 75.230.2.17 were accessed by phone number 505-728-
7 1416 [Note: area code 505 is New Mexico]. According to Verizon, the phone number
8 was maintained by TracFone, a pre-paid wireless provider, which operates as a mobile
9 virtual network operator (MVNO) and maintains holding agreements with several
10 mobile providers, to include Verizon Wireless. According to the Verizon results, the
11 account was first accessed on May 2, 2015.

12 24. As a result of a follow on emergency disclosure request to TracFone, TracFone
13 provided that 505-728-1416 was associated with MEID of the actual device
14 A10000333A8C31.

15 25. A fourth IP, 98.167.235.120, was used to login to @tawaakul (a/k/a @tawaakul) on
16 May 2, 2015. 98.167.235.120 is allocated to Cox Communication in Phoenix, AZ.

17 26. According to results of a subpoena issued by the United States Attorney's Office
18 (USAO) for the Eastern District of Virginia (EDVA), issued on May 4, 2015 to Cox
19 Communications for the aforementioned IP, 98.167.235.120; this IP resolves to 13850
20 N 19th Ave, #219, Phoenix, AZ, 85023, the same address occupied by both Elton
21 Simpson and Nadir Soofi.

22 27. Based on the aforementioned results from Verizon, TracFone, and Cox
23 Communications, I believe Simpson and Soofi were located at their Phoenix, AZ
24 apartment on May 2, 2015, purchased the TracFone with associated number 505-728-
25 1416 on or about May 2, 2015 while in transit to Garner, Texas, and were located in
26 Texas on or about May 3, 2015, when Simpson or Soofi used the TracPhone with
27 MEID A10000333A8C31, to make the post on May 3, 2015 at 2:42AM CST,
28 announcing his and Soofi's intentions.

1 28. As demonstrated by Simpson's and Soofi's actions leading up to and as recently as
2 sixteen minutes prior to the attack, they were dedicated to using social media and the
3 internet to communicate with known affiliates of a designated terrorist organization in
4 order to spread their extremist ideology and communicate their violent intentions.
5 Simpson has had at least eight known Twitter accounts since October 2014.

6 29. Based on my training and experience, terrorists use social media sites and messaging
7 applications such as Surespot, WhatsApp, and Google+, to exchange terrorist training
8 videos, share manuals and doctrine, provide bomb making instructions and
9 promulgate support for extreme violent ideology. Terrorists also often use such sites
10 and/or applications to communicate to one another regarding plans for attacks. It is
11 reasonable to believe that Simpson and Soofi communicated, conspired, shared or
12 received ideas through their various social media sites to coordinate and execute the
13 attack on May 3, 2015 in Garland, Texas.

14 30. On or about April 23, 2015, Simpson, utilizing **Surespot Account Juba1911**,
15 conversed with an FBI Undercover Employee (UCE).

16 31. Open source database queries revealed that **WhatsApp Account 623-313-6382** was
17 utilized by Simpson prior to his death. In addition, the number matches a cell phone
18 number provided to the FBI by Simpson during an interview conducted July 23, 2012.
19 The phone associated with 623-313-6382 was found at the scene in Garland, Texas
20 after the shootout.

21 32. Open source database queries revealed information indicating that Google+ Account
22 **Ibrahim Ryan** is attributed to Simpson.

23 ITEMS TO BE SEARCHED AND INFORMATION TO BE SEIZED

24 33. Full details of the social media and online messaging application accounts to be
25 searched will be included in Attachment A. The information to be disclosed is
26 described in Section I of Attachment B. Upon receipt of the information described in
27 Section I of Attachment B, government-authorized persons will review that
28 information to locate the items described in Section II of Attachment B.

1 34. Based on the information described above, my participation in this investigation, and
2 my training and experience, I believe Simpson and Soofi conducted the attack on the
3 "Prophet Muhamed Cartoon Contest" in order to injure, oppress, threaten, or
4 intimidate individuals in connection with the exercise of their Constitutional rights of
5 freedom of association and freedom of speech. My belief is based on the following:
6 (1) Soofi's registered vehicle was found at the scene in Texas; (2) Simpson sent what
7 appears to be a final Twitter message regarding the impending attack and his support
8 for the Islamic mujahideen cause, indicating intent to intimidate and interfere with the
9 exercise of freedom of speech of persons engaged in drawing depictions of the
10 Prophet Muhamed; and (3) Simpson and Soofi were involved in the firefight and were
11 found deceased at the scene. Based on my training and experience, I believe that all
12 of these factors are consistent with individuals who conspired to injure, oppress,
13 threaten, or intimidate persons in connection with the exercise of their Constitutional
14 rights.

15 35. Based upon the foregoing, I respectfully submit there is probable cause to believe that
16 evidence found in Simpson and Soofi's social media and online messaging
17 application accounts described in Attachment A will contain evidence, fruits, and
18 instrumentalities of the Subject Offenses, as more fully described in Attachment B to
19 the proposed warrants.

20 36. In particular, I believe Simpson and Soofi's social media and online messaging
21 application accounts are likely to contain the following information:

- 22 a. Evidence of Simpson and Soofi conspiring to plan an attack against the
23 "Prophet Muhamed Cartoon Contest", including but not limited to any emails,
24 postings and electronic messages, documents containing information related to
25 attack planning, firearms or related training for the use of firearms and
26 improvised explosive devices, or regarding the promulgation of terrorist
27 activity;
28

- b. Evidence of Simpson and Soofi conspiring to plan an attack against any public event, including but not limited to any electronic messages, documents containing attack planning, firearms or related training for the use of firearms and improvised explosive devices, or regarding the promulgation of terrorist activity;
- c. Communications constituting or evidencing crimes, including but not limited to correspondence with a designated terrorist organization, terrorist representatives and potential terrorist recruits;
- d. Evidence that can help establish the identities of any coconspirators, including but not limited to designated terrorist representatives and potential terrorist recruits;
- e. Information related to the geographic location of coconspirators, including but not limited to designated terrorist representatives and potential terrorist recruits;
- f. Documents or other items containing passwords or other information needed to access Simpson or Soofi's online accounts.
- g. Documents or other items containing information related to other digital facilities which Simpson and Soofi may use to provide support for designated terrorist organizations, including but not limited to other Internet profiles, social media and online messaging application accounts, and e-mail addresses.

CONCLUSION

37. Based on the foregoing, your affiant respectfully requests a search warrant be authorized for the search of Elton Simpson and Nadir Soofi's social media and

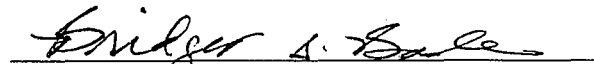
1 online messaging application accounts, described in Attachment A, for evidence
2 described in Attachment B as outlined above.
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4 Respectfully submitted,

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6 Stewart L. Whitson
7 Special Agent
8 Federal Bureau of Investigation

9 Subscribed and sworn before me on this 14th day of May, 2015.

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11 Bridget S. Bade
12 United States Magistrate Judge
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